

Remarks

Favorable reconsideration of this application in the light of the amendments and the following discussion is respectfully requested. Claims 1,2,4,5,6 and 8 have been amended. Claims 1-8 remain pending in this application for consideration.

Claim Objection Under 37 CFR 1.75

Claims 4-8 were objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend upon more than one claim or depend from another multiple dependent claim.

Applicants' Response to the Claim Objection Under 37 CFR 1.75

Applicants submit amended claims 4-8. The claims have been amended to remove the improper dependencies noted by the Examiner. Consideration of the claims is respectfully requested.

Claim Objection Under 35 USC 112

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of claims 1 and 2 the Examiner stated that the term "still effective for prevent coagulation" is confusing, since it is unclear what prior process step of preventing coagulation is referenced.

Similarly, in claim 1 the Examiner averred that the term "no further decrease in desorption" is confusing, since no preliminary step where a decrease in desorption is present.

Applicants' Response to the Claim Objection Under 35 USC 112

Applicants submit amended claims 1 and 2 for further consideration. The claims have been amended to particularly point out and distinctly claim the subject matter of the invention. The amendments to claims 1 and 2 clarify the present invention without adding further limitations upon the scope of the original claims. Additionally, claim 1 has been amended into a more conventionally recognized process claiming format in order to clearly state the present

invention. No new matter has been added through the amendments. Reconsideration of the claims is respectfully requested.

Double Patenting Rejection

Claims 1-3 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4 and 6 of U.S. Patent No. 6,518,442. Although the conflicting claims are not identical, the Examiner averred that they are not patentably distinct from each other because the instant claims differ only from the claims of '442 in the particular specified amounts of non-ionic surfactant used, which are obvious from claim 6 of '442 which specifies a predetermined maximum value of non-ionic surfactant.

Applicants' Response to the Double Patenting Rejection

Applicants aver that the present invention is patentable over U.S. Patent No. 6,518,442 ('442). Applicants assert that '442 is not a valid reference against the present invention and therefore may not be used to assert the judicially created doctrine of obviousness-type double patenting. The '442 reference was published December 9, 1999. The present invention claims a priority date of July 17, 1999. Since the priority date of the present invention is prior to the publication date of '442, applicants aver that it is improper for the Examiner to assert an obvious rejection against the present application. Withdrawal of the rejection is respectfully requested.

In view of the foregoing remarks favorable reconsideration of the present application and the passing of this case to issue with all claims allowed is courteously solicited.

Should the Examiner wish to discuss any aspect of this application, applicants' attorney suggests a telephone interview in order to expedite the prosecution of the application.

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Date

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Respectfully submitted,

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